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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply to: OCE-127

DEC - 5 2012

Certified Mail Number 7011 2970 0000 0876 3111
Return Receipt Requested

James Cagle, Risk Manager - EHS
Nu-West Industries, Inc.
Agrium Conda Phosphate Operations
3010 Conda Road
Soda Springs, Idaho 83276

FILE COPY

Re: Request for revisions to Addendum to the Work Plan for Additional Requirements, Second Addendum to the Work Plan for Additional Requirements, and Revised On-Site Supplemental Investigation Work Plan;
Administrative Order on Consent for Nu-West CPO Facility;
EPA Docket No. RCRA-10-2009-0186

Dear Mr. Cagle:

This letter responds to several recent requests from Nu-West Industries ("Nu-West") regarding deviations from work plan requirements as discussed on conference calls with EPA and the Idaho Department of Environmental Quality ("IDEQ").

The Revised On-Site Supplemental Investigation Work Plan, dated August 15, 2012, requires the completion of groundwater monitoring wells to further delineate the vertical extent of contamination at the location of previous soil boring SB-24. The work plan designates this well location as A-34. A monitoring well was installed and screened at an interval of 11.5 – 21.5 feet below ground surface. Fluid sampled from this zone reportedly had a pH of less than 2.0, levels of both cadmium and chromium in excess of 5 mg/l, and the presence other contaminants.

Nu-West requested postponing completion of the deeper monitoring wells at the A-34 location out of concern that fluids in the shallow zone might migrate to greater depth, using the well casing as a preferential pathway. As discussed during our conference call on November 20, 2012, EPA approves postponing completion of the deeper zoned wells until next field season and pending selection of a suitable location for installation of such wells in accordance with a schedule to be approved by EPA.

The Revised On-Site Supplemental Investigation Work Plan schedule states that monitoring well sampling will start November 22, 2012 and finish by November 26, 2012, with a report submittal to EPA by February 26, 2013. The Addendum to the Work Plan for Additional Requirements schedule states that monitoring well sampling will start October 18, 2012 and finish by October 25, 2012, with a report submittal to EPA by January 25, 2013. The Second Addendum to the Work Plan for Additional Requirements schedule states that monitoring well sampling will start November 5, 2012 and finish by November 6, 2012, with a report submittal to EPA by January 25, 2013. All three of the aforementioned work plans state that the new wells will be sampled a minimum of two weeks after installation and development.

As discussed and agreed to on a conference call with Nu-West on December 4, 2012, the minimum waiting time requirement of two weeks prior to monitoring well sampling is revised to no longer be required. Nu-West agreed to sequence monitoring well sampling such that each new well would be sampled at least a few days after installation and development.

As discussed and agreed to on the December 4, 2012 conference call, the work plan schedules described above are revised with monitoring well sampling to commence on December 10 and conclude by December 21, 2012, with a report submittal to EPA and to the IDEQ on or before February 15, 2013. Nu-West agreed to make the analytical data available to both EPA and to the IDEQ for download from their contractor's website, as that data is generated and therefore prior to the February 15 report due date. Other alternate methods of data delivery, such as overnight express courier, are acceptable. In the event that work cannot be completed per the above revised schedule, EPA requests that Nu-West contact both EPA and the IDEQ as soon as possible.

Modifications in the work plans utilized in carrying out the administrative order may be made by written agreement of the project coordinators, as provided by paragraph 129 of the administrative order. Although you were not a participant on the December 4 conference call, Wayne Maxie with Nu-West verbally agreed to the schedule revisions identified above.

If you have any questions, please feel free to call me at (206) 553-2964. Alternatively, you may reach me via email at: Magolske.Peter@epamail.epa.gov. Thank you for your attention to this important matter.

Sincerely,



Peter Magolske
Air and RCRA Compliance Unit

cc: Brian Monson, Idaho Department of Environmental Quality
P. Scott Burton, Esq. Hunton and Williams LLP
Tim Carlstedt, Esq. Hunton and Williams LLP